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December 2, 2020

Via ECF

Hon. Lewis J. Liman  
United States District Judge  
United States District Court for the Southern District of New York  
500 Pearl Street Room 701  
New York, NY 10007

Re: HC2, Inc. v. Andrew Delaney, Case No.: 1:20-cv-03178-LJL

Dear Judge Liman:

In response to plaintiff HC2's counsel's letter to the Court dated today, defendant Andrew Delaney has complied with the Court's Order dated November 30, 2020 by attaching the required documents. Contrary to Michael Nacchio, Esq.'s letter, my affirmation did not contain any "new allegations".

The Court's order stated: "Accordingly, Plaintiff is ORDERED to file, by December 4, 2020, an affidavit or declaration attaching authentic copies of the documents referred to in paragraphs 36-38 and 14 of the counterclaims and in the March 17, 2020 email, all of which should have pre-existed March 18, 2020." Both references he objects to are in paragraph 3 of my affirmation. Paragraph 37 of our amended counterclaims which is part of the Court's Order uses the words "such as" and states: "HC2 failed to follow proper guidelines provided by public health agencies, such as the N.Y.C. Health Department and the CDC, or to track and prevent the spread of the coronavirus among workers." (emphasis added) Paragraph 3 of my affirmation is not an addition but a clarification of what is alleged in paragraph 37 of the amended counterclaims.

However, we do not object to deleting, striking, or revising the second part of paragraph 3 of my affirmation to which plaintiff objects.

Thanking the Court in advance for considering this letter.

Respectfully submitted,  
/s/Robert Rotman  
Robert Rotman, Esq.

cc: Michael Nacchio, Esq.